

January 2
1998

THE AREA PLAN COMMISSION
of Tippecanoe County, Indiana

City of Lafayette
City of West Lafayette
Unincorporated Tippecanoe County
Town of Battle Ground
Town of Clarks Hill
Town of Dayton

**Second
Edition**

The
**Unified
Zoning
Ordinance**

\$20.00

This Edition Includes Amendments 1 – 31, 33 – 40

AMENDMENT 36:

Sections 3-2-4; (excavating and building contractors) 4-4-11; 4-9-9

Adopted 5-05-03 Tippecanoe County, Lafayette, West Lafayette, Dayton; 5-12-03 Battle Ground; in effect on 7-15-03 in Clarks Hill for lack of action

AMENDMENT 37:

Sections 4-2-2 and 4-4-1(a) (setback averaging in the R3W zone)

Adopted 6-02-03 Tippecanoe County, Lafayette, West Lafayette, Dayton; 6-09-03 Clarks Hill; 7-07-03 Lafayette; 7-14-03 Battle Ground

AMENDMENT 38:

Sections 1-10-2 (Indiana Scenic Byway, River Road Scenic Byway, rural outdoor sign and incidental sign); 5-4-4; and Appendix F-2

Adopted 8-4-03 Tippecanoe County, Lafayette, West Lafayette, Dayton; 8-11-03 Battle Ground and Clarks Hill

AMENDMENT 39:

Sections 3-2-2 (lab animal farms) 6-3-1(d) (penalties based on violations of the ordinance)

Adopted 8-4-03 Tippecanoe County, Lafayette, West Lafayette, Dayton; 8-11-03 Battle Ground and Clarks Hill

AMENDMENT 40:

Sections 3-2-2 (job training & vocational rehab. services; residential care) 4-8-8 (changeable copy signs) 4-8-3 (e) (gateway signs) 5-5-6 (rural home occupations)

Adopted 9-3-03 Tippecanoe County; 9-16-03 Lafayette; 10-7-03 West Lafayette; 11-8-03 Dayton; 11-10-03 Battle Ground; and 9-15-03 Clarks Hill

HARDSHIP. A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this ordinance, which may or may not be subject to relief by means of **variance**. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain will not be considered hardships. Self-imposed situations include:

- (1) the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards of this ordinance will inhibit the desired improvement;
- (2) any improvement initiated in violation of the standards of this ordinance; and
- (3) any result of land division requiring **variance** from the development standards of this ordinance in order to render that site buildable.

HISTORIC BUILDING (LAFAYETTE). A **building** listed by address in *The Lafayette Preservation Notebook*, published by the Lafayette Redevelopment Commission and recorded in the Office of the Tippecanoe County Recorder, Document No. 99-12420; or a **building** listed in the *Indiana Historic Site and Structure Inventory, Tippecanoe County, Interim Report*, published by Historic Landmark Foundation of Indiana, May 1990, and recorded in the Office of the Tippecanoe County Recorder, Document No. 99-12421. (Amend 11)

HOME OCCUPATION. An **accessory use** to a **dwelling unit**, carried out for gain by one or more residents, conducted as a customary and incidental use to the resident's **dwelling unit**, within the **use** requirements of 5-5-2 below, and as authorized in 5-5-3. Except as indicated in 5-5-2, this does not include the wholesale or retail sale of goods or materials on site. It is permitted:

- (1) in any non-rural and non-flood plain **zone**,
- (2) in A, AW and AA **zones** on any **lot** up to 2 acres in area, and
- (3) on any residential **lot** in an RE **zone**,

which authorizes the **dwelling unit** to which the **HOME OCCUPATION** is **accessory**. (Amend 27)

HOME OCCUPATION SIGN. Any **sign** on a **sign-lot** marking the presence of a **home** (or **rural home**) **occupation** which conforms with all requirements of this ordinance. This **sign** may only include the occupant's name and/or address and/or **home** (or **rural home**) **occupation**.

HOUSEKEEPING UNIT. Either a **family**, or the occupants of **shared housing**, living together in one **dwelling unit**, with common access to

and use of all living, eating, and food preparation and storage areas within the **dwelling unit**.

IMPERVIOUS SURFACE. Any material or object which substantially reduces or prevents direct absorption of storm water.

IMPROVEMENT LOCATION PERMIT. Written permission issued by the appropriate **Administrative Officer** to construct, repair, alter, move or add to a **structure**, or change the condition of land as per 6-2-1-a-7 below.

INCIDENTAL SIGN. Any **sign**, generally informational, that has a purpose secondary to the **use** of the **sign-lot** on which it is located, such as:

- (1) "no parking," "entrance," "loading only," "telephone," and other similar directives;
- (2) drive-thru menu boards; (Amend 38)
- (3) "for sale," "for lease" or "for rent" **signs** including an agent's name, address and phone number;
- (4) any **sign** indicating the name, address and phone number of a contractor currently engaged at that location.

No **sign** with a commercial message legible from a position off the **sign-lot** on which the **sign** is located will be considered incidental, except for drive-thru restaurant menu boards, "for sale," "for lease" and "for rent" signs and contractors' signs.

INDIANA RESIDENTIAL CODE. The nationally recognized model building code titled The International Residential Code for One and two Family Dwellings as adopted under 675 I.A.C. 14, and, which includes those supplements and amendments promulgated by the Indiana Department of Fire and Building Services (Amend 31).

INDIANA SCENIC BYWAY. Any roadway recommended by the Scenic and Heritage Byways Advisory Committee of the Indiana Department of Transportation (INDOT) and approved by the Lt. Governor (or his appointee) and the Commissioner of INDOT, in accordance with the Scenic and Heritage Byways Program Procedures Criteria Application for Route Designation (Amend 38).

INDUSTRIAL ZONE. An I1, I2 or I3 **zone**.

INTEGRAL ROOF SIGN. Any **sign** erected or constructed as an integral or essentially integral part of a normal roof **structure** of any design, such that no part of the **sign** extends vertically above the highest portion of the

roof and such that no part of the **sign** is separated from the rest of the roof by a space of more than 6".

INTEGRATED CENTER. One or more **buildings** occupying a site under one ownership or management, containing a number of individual, unrelated and separately operated **uses** each with their own outside entrance (commonly known as a strip center) or completely enclosed (such as a retail mall). The **building** or **buildings** of an integrated center share common site facilities and services such as driveway entrances and exits, **parking areas**, truck loading, maintenance, sewer and water utilities, and similar common facilities and services. A **building** on an outlot which is physically separated from the other **uses** in an **INTEGRATED CENTER** by curbs and/or landscaping, and which contains its full requirement of parking, but which shares driveway entrances and exits with other **uses**, is not part of that **INTEGRATED CENTER**. An **office building** is not an **INTEGRATED CENTER**. (Amend 28)

INTEGRATED CENTER SIGN. Any **freestanding** or **building sign** which provides only the name of the **integrated center** and optionally, a list or display of the names of the center's occupants.

INTENSE BURNING. A rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

INTERIOR LOT. A **lot** having **frontage** on an abutting **street**, that is neither a **corner lot** nor a **through lot**.

JUNK YARD. Any of the following:

- (1) A place, usually outdoors, where waste, used property or discarded used property is accumulated or stored and is or may be salvaged for reuse or resale either as a whole or in parts. Waste, used property or discarded used property includes but is not limited to: automobiles, trucks, farm implements except on **farms** actively engaged in crop production (SIC 01) in **rural** and **FP zones**, trailers, **mobile homes**, **recreational vehicles**, vans, other vehicles, machinery, household or commercial appliances, or parts taken from any of the above. A vehicle which is currently licensed in the State of Indiana, is registered in the name of the owner of the real estate on which it is located, and is operable, shall not be considered in determining the presence of a **JUNK YARD**.
- (2) A place outdoors where waste, or discarded or previously used building or construction material, is accumulated or stored and is or may be salvaged for reuse or resale. Waste, or discarded or previously used building or construction material, includes but is not limited to: glass, windows, doors, roofing, trusses, wood, bricks,

stone, beams, concrete, or similar items. However, where an original **improvement location permit** has been issued for construction of a **structure** that would use these items on that same real estate, that situation shall not be determined to be a **JUNK YARD**, provided: that the permit is neither a renewal, nor an extension as provided in this ordinance, nor a subsequently issued permit; and that the permit has neither expired nor become null and void under this ordinance.

- (3) A place outdoors where waste or discarded or prior used boxes, rags, clothing, food, garbage, food containers, food or drink bottles or cans, other bottles and cans, furniture, household furnishings or similar items, is accumulated or stored.

Temporary collection stations approved by a member jurisdiction shall not be considered a **JUNK YARD**.

KENNEL (BATTLE GROUND, DAYTON, CLARKS HILL, TIPPECANOE COUNTY). For a **residence**, a place for keeping 4 or more dogs that are at least 4 months old; for a commercial boarding facility, a place for keeping an aggregate of 4 or more dogs and/or cats and/or other small animals that are ordinarily kept as pets, that are at least 4 months old.
(Amend 18)

LAPSED. A situation in which 2 years have passed since rezoning to PDCC, and no Final Detailed Plans have been approved and recorded.

LETTER OF MAP AMENDMENT (LOMA): A FEMA authorized written change in the **FIRM**, on file in the office of the **APC**, amending the **FIRM** map(s) of Lafayette, West Lafayette, Tippecanoe County or Battle Ground.

LOADING BERTH. An off-street, off-alley area designed or used to load goods on, or unload goods from, vehicles.

LOCAL STREET. A **street**, designated in the Thoroughfare Plan, intended to provide primary access to other **roads** from individual property.

LOT (WEST LAFAYETTE, TIPPECANOE COUNTY, DAYTON, BATTLE GROUND, CLARKS HILL). Either:

- (1) (a) a piece of land, the location, shape and size of which have been established by a recorded plat, **subdivision** or planned development; or
- (b) any part of that piece of land where a division has been made by a document recorded prior to July 1, 1978, and in Clarks Hill, April 1 1996;

and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Unified Subdivision Ordinance, or a document recorded prior to July 1, 1978, and in Clarks Hill, April 1 1996; or

- (2) a piece of land, not in a recorded plat, **subdivision** or planned development, the location, shape and size of which are determined by:
 - (a) the legal description in the last recorded document prior to July 1, 1978, and in Clarks Hill, April 1 1996; or thereafter by
 - (b) the legal description in the last recorded document made as an exempt division or **parcelization** under the then applicable Subdivision Ordinance;

and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance. (This does not include the term **mobile home park/manufactured home community lot** which is defined separately.)

LOT (LAFAYETTE). An area of land exclusive of **street** areas but including adjacent areas that are used as one, having an access from a **public street** approved by the **Administrative Officer**.

LOT AREA. The total horizontal area within the **lot lines** of a **lot**.

LOT COVERAGE. The horizontal area of all **buildings** on a **lot** as a percentage of **lot area**. Horizontal area is measured within the outside of the exterior walls of the ground floor of **primary use buildings**. **LOT COVERAGE** includes roofed decks and porches, and architectural features that project more than 2', but excludes unroofed decks or porches, and architectural features that project no more than 2'.

LOT LINE. Either a **front lot line**, a **rear lot line** or a **side lot line**.

LOT WIDTH. The distance between the **side lot lines** as measured at the **front setback**.

MANEUVERING AISLE. A driving lane in a **parking area**, such as between two rows of **parking spaces** or between a row of **parking spaces** and the edge of a **parking area**, which serves two or more **parking spaces**.

MANEUVERING SPACE. An open space in a **parking area** designed to be used for and which is necessary for turning, backing, or driving a motor vehicle forward into a **parking space**, but which is not used for the parking or storage of motor vehicles.

MANUFACTURED HOME. A *single-family dwelling unit* designed and built in a factory, installed as a permanent **residence**, which bears a seal certifying that it meets or exceeds all standards established in I.C. 36-7-4-1106(d), and which also complies with the following specifications:

- (1) shall have been constructed after January 1, 1981, and shall exceed 750 sq.ft. of occupied space;
- (2) is attached to a **permanent foundation** and has a **permanent perimeter enclosure**, built in accordance with the **Indiana Residential Code** (Amend 31);
- (3) has wheels, axles, towing chassis and tongue removed;
- (4) has a pitched roof with a minimum rise of 3/12; and,
- (5) consists of 2 or more sections which, when joined, have a minimum dimension of 23' in both length and width.

A *single-family dwelling unit* designed and built in a factory and installed as a permanent **residence**, which fails to meet any of the above criteria, shall be defined here as a **MOBILE HOME**, even if called a "manufactured home" in the trade. (Amend 15)

MARQUEE. A rooflike cover that projects from the wall of a **building** such as a theater, designed or built to hold one or more **changeable copy signs**.

MARQUEE SIGN. Any **sign**, including a **changeable copy sign**, that is part of or is attached to a **marquee**.

MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of **MASSAGE**, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, **MASSAGE** as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof, by the State of Indiana or any agency thereof, by Tippecanoe County or any agency thereof, by any city or town within Tippecanoe County or any agency thereof, or registered or licensed by any agency or association authorized to so register or license by any statute or ordinance of the United States, State of Indiana, Tippecanoe County or any city or town in Tippecanoe County, while such person so registered or licensed is performing the services for which the registration or license

was issued and during the period of time said registration or license is in effect.

MASSAGE ESTABLISHMENT. Any establishment having a source of income or compensation derived from the practice of *massage* as herein defined and which has a fixed place of *business* where any person, firm, association, or corporation engages in, or carries on any of the activities as defined in a *massage*.

MILITARY RECRUITING OFFICE. An establishment at which members of the Armed Forces enlist members of the civilian population.

MOBILE HOME. A single *dwelling* suitable for year-round occupancy, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a *permanent foundation* when connected to required utilities.

MOBILE HOME PARK/MANUFACTURED HOME COMMUNITY (MHP/MHC). A site with required improvements and utilities containing 2 or more *mobile home park/manufactured home park lots*, which may include services and facilities for its residents, and within which *recreational vehicles* and *tents* shall not be used as places of abode. A **MOBILE HOME PARK/MANUFACTURED HOME COMMUNITY** does not include a mobile home dealer (SIC 527).

MOBILE HOME PARK/MANUFACTURED HOME COMMUNITY LOT (MHP/MHC-LOT). A piece of land, the location, shape and size of which have been established in an approved *mobile home park/manufactured home community* plan, to be rented for occupancy by a single *mobile home* or *manufactured home*.

MULTI-FAMILY DWELLING. A *dwelling*, on a separate *lot*, containing more than two *dwelling units*.

NATIONAL HIGHWAY SYSTEM. The system of highways designated and defined in 23 U.S.C. 103(b). (See Appendix F-2.) (Amend 29)

NONCOMPLYING USE. A *primary use* of a *structure* (including a *building*) or *lot* which fails to meet one or more of the requirements of 4-2 and 4-6 through 4-11 below regarding minimum vegetative cover, parking and loading, entrances, *signs*, buffering, industrial or miscellaneous restrictions, and which otherwise lawfully existed at the time those requirements became effective.

NONCONFORMING LOT. A *lot* which does not meet the minimum

requirements in 4-2 below for **lot area** or 4-3 below for **lot width**, and which otherwise lawfully existed at the time those minimum requirements became effective. (Amend 18)

NONCONFORMING MOBILE HOME. A **mobile home** which is not permitted in 3-2 below to be operated in the **zone** in which it is located, and which otherwise lawfully existed at the time the applicable portion of 3-2 became effective.

NONCONFORMING SIGNAGE. Any **sign** or package of **signs** on a **sign-lot** that does not meet the requirements of 4-8-4 through 4-8-8 below, and which was otherwise lawfully installed on a given site at the time the applicable portions of 4-8-4 through 4-8-8 became effective.

NONCONFORMING STRUCTURE. A **structure** (including a **building** but not a **sign**) which entirely or in part does not meet the minimum requirements in 4-2, 4-4 and 4-5 below for **front**, **rear** or **side setbacks**, **lot coverage** by **primary use building** or maximum permitted **building height**, and which otherwise lawfully existed at the time those requirements became effective.

NONCONFORMING USE. A **primary use** of a **structure** or **lot** which is not permitted in 3-2 below to be operated in the **zone** in which it is located, and which otherwise lawfully existed at the time the applicable portion of 3-2 became effective.

NON-TILLABLE. Covered with brush or scattered trees with less than 50% canopy cover, or permanent pasture land with natural impediments (ditches, water channels, rocks, etc.) that deter use of the land for crop production. (Amend 27)

NO-PARKING SETBACK. An open space in which all parking is prohibited, consisting of the first 5 feet of the **front setback** of any **commercial-** or **industrial-zoned lot**, and the first 5 feet of the **side** or **rear setback** of any **lot** not zoned R1, R1A, R1B, R1U, R1Z, R2 or R2U.

OFFICE BUILDING. A **building** in which the majority of **gross leasable area** is devoted to conducting the affairs of **primary uses** other than retailing, such as the offices of a **business**, a profession, a service, an industry, a finance, insurance or real estate establishment, or government and in which all such businesses have public entrances in the interior of the building. (Amend. 28)

OPEN USE. A **primary use** without a **building**; or one in which there is outdoor **use** of the **lot** for purposes other than customer and employee

parking, and which contains a **building** occupying no more than 10 percent of the **lot**; or one which is classified in the Permitted **Use** Table under SIC Group 55 (Automotive Dealers and Gasoline Service Stations) unless all activity other than customer and employee parking is conducted inside a **building**.

OPEN USE SETBACK. An open space consisting of the first 5 feet of even width (beginning at the **lot line**) of the **front setback** of any **open use**, and the first 5' of even width (beginning at the **lot line**) of any **side** or **rear setback** of an **open use** which abuts a **street** or a **residential zone**.

OUTLET MALL. A type of **integrated center** containing multiple retail establishments, each one selling a single manufacturer's product.

OUTDOOR ADVERTISING SIGN. A **sign** which is a **primary use**, placed for the purpose of conveying information, knowledge or ideas to the public about a subject unrelated to the **lot** on which it is located. (Amend 8)

PARCEL. A **lot** created by **parcelization**.

PARCELIZATION. Any division of land complying fully with subsection 3.5 of the *Unified Subdivision Ordinance of Tippecanoe County*.

PARENT TRACT. A piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before the *Unified Subdivision Ordinance of Tippecanoe County* was enacted or the last division by recordation of a **plat** prior to the enactment of that ordinance provided such **plat** is not in violation of any previous ordinance. The ordinance was enacted on November 19, 1979 in Tippecanoe County; December 3, 1979 in Lafayette, West Lafayette and Dayton; March 3, 1980 in Battle Ground; and April 1, 1996 in Clarks Hill.

PARKING AREA. A group of **parking spaces**, exclusive of any part of a **street** or an **alley**, designed or used for the temporary parking of motor vehicles or bicycles.

PARKING SPACE. An open space, exclusive of **maneuvering aisle** and driveway, used for the temporary parking of one motor vehicle or bicycle.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. A **PENNANT** is a type of **event oriented sign**.

PERIMETER LOT. A *lot* in an R1Z zone that either adjoins or faces any other *lot* zoned R1, R1A, R1B, R1U, A, AA, AW or RE. (Amend 27)

PERMANENT FOUNDATION. A structural system for transposing loads from a *structure* to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PERMANENT PERIMETER ENCLOSURE. A permanent perimeter structural system, completely enclosing the space between the floor joists of the home and the ground except for necessary openings, constructed in accordance with the *Indiana Residential Code* (Amend 31).

PERVIOUS SURFACE. Any material which permits full or partial absorption of storm water.

PLACE. A short residential *street*, cul-de-sac or court with a maximum development potential of 10 *dwelling units*.

PLANNED DEVELOPMENT (PD) ZONE. A PDRS, PDNR, PDMX or PDCC *zone*.

PLAT. A map or chart that shows a division of land and is intended to be filed for record.

PORTABLE SIGN. Any *sign* not permanently attached to the ground or other permanent *structure*, or a *sign* designed to be transported, including, but not limited to, *signs* designed to be transported by means of wheels; *signs* converted to A- or T-frames; sandwich board *signs*; balloons used as *signs*; umbrellas used for advertising; and *signs* attached to or painted on vehicles parked and visible from the public *right-of-way*, unless said vehicle is used in the normal day-to-day operations of the *business* on that lot. A **PORTABLE SIGN** is a type of *event oriented sign*.

PRIMARY ARTERIAL. A *road*, designated in the Thoroughfare Plan, intended to: move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within a participating jurisdiction; and/or as a route for traffic between communities or large developed areas.

PRIMARY COMMUNICATIONS TOWER. A *structure* situated in a nonresidential *zone* that is intended for transmitting or receiving television, radio, or telephone communications, including those used exclusively for dispatch communications if the tower is the *primary use*.

PRIMARY USE. The principal, predominant *use*.

PRIMARY USE BUILDING. A *building* (including any other *building* attached in a substantial way, such as by a roof), in which the *primary use* of the *lot* or *parcel* is conducted. For *single-family* and *two-family* residential *uses*, it is the main *dwelling* or *dwellings*. For multi-family residential *uses* it is all *dwelling units*. Only one **PRIMARY USE BUILDING** is permitted per *lot* or *parcel*. If multiple *buildings* on a *lot* or *parcel* are engaged in the same *primary use*, the *building* housing that *use's* operating or managing office is considered the **PRIMARY USE BUILDING**; all others are considered *accessory buildings*. Where multiple *primary use buildings* occupy the same *lot* or *parcel*, but are all operated or managed from the same *building(s)*, the *building(s)* housing the managing office(s) shall be the **PRIMARY USE BUILDING(S)**, and all others shall be accessory to it (them), but only if these multiple *use buildings* are in single ownership. Also, an *integrated center* shall be considered a **PRIMARY USE BUILDING**. The **PRIMARY USE BUILDING** constructed on any qualifying *lot*, *parcel* or tract to which land has been added by Exemption B or E pursuant to the definition of *subdivision*, shall be located in whole or in part on the portion of that *lot*, *parcel* or tract from which it acquired its building site as defined in the *Unified Subdivision Ordinance*. No **PRIMARY USE BUILDING** shall be located wholly on land included in an Exemption B or E transfer unless that transfer was recorded prior to the date this definition was amended.

(Amend 27)

PROJECTING SIGN. Any *sign* affixed to a *building* or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of such *building* or wall.

PUBLIC PARK. A tract of land, designated and used by the public for active and passive recreation.

PUBLIC STREET. A *street* established for or dedicated to the public use.

PUBLIC-USE AIRPORT. Any area, site, or location, either on land, water, or upon any *building*, which is specifically adapted and maintained for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes. The term does not include:

- (1) any private use airport or landing field; or
- (2) any military airport solely occupied by any federal branch of government using that airport for military air purposes.

REAR LOT LINE. For an *interior* or *corner lot*, the *lot line* that is opposite the *front lot line* and farthest from it; except for a triangular or

other irregularly-shaped **lot**, the line 10' long, parallel to the **front lot line**, and wholly within the **lot**, that is farthest from the **front lot line**.

REAR SETBACK. An open space extending a **lot's** full width, measured as the shortest distance between the **rear lot line** and the nearest exterior wall of the **lot's primary use building** and **accessory buildings**. For a **corner lot**, the **REAR SETBACK** is always situated at the opposite end of the **lot** from the **front lot line**.

RECREATIONAL VEHICLE (RV). A vehicle designed to provide temporary living quarters for travel, recreation or camping, which is either self-propelled or mounted on or towed by another powered vehicle. The term includes but is not limited to travel trailers, collapsible trailers, truck-mounted campers and motorhomes, tent trailers, and converted buses and trucks. An **RV** is not a **dwelling**.

RECREATIONAL VEHICLE PARK AND CAMPGROUND (RVP/C). A site with required improvements and utilities containing 3 or more **campsites** for **tents** and/or cabins and/or **recreational vehicles**, which may contain services and facilities for its occupants. If the **RVP/C** is designed as an *en route* facility, no occupant shall occupy it for any period longer than 14 days. If the **RVP/C** has been designed as a destination facility, that is, a place to visit in and of itself, the 14-day limit shall not apply.

RECYCLABLE MATERIAL. Material that is intended for reuse, remanufacture, or reconstitution, consisting of items as authorized by each member jurisdiction.

RECYCLING. A process by which **recyclable materials** that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.

RECYCLING COLLECTION FACILITY. A **use** designed to receive and store pre-sorted **recyclable materials** not intended for disposal. The facility may include the bins, boxes or containers transported by trucks, vans or trailers and used for the collection of **recyclable materials**. The facility shall use no power-driven processing equipment on-site.

RECYCLING PROCESSING FACILITY. A **primary use** designed for the collection and processing of **recyclable materials**. Processing entails the preparation of materials for efficient shipment, or to an end user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning.

REGULATORY FLOOD. That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

REGULATORY FLOODWAY. The channel of a river or stream and those portions of the **flood plains** adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the **regulatory flood** of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the **regulatory flood**. **REGULATORY FLOODWAYS** shall be determined by the Federal Insurance Administration's Flood Boundary and Floodway Maps, (effective March 16, 1981 in Tippecanoe County, November 19, 1980 in Lafayette, and January 2, 1981 in West Lafayette and Battle Ground), and/or by designation in writing by the Indiana Department of Natural Resources, Division of Water. In small drainage basins the limits of alluvial soils, as shown on the Soils Survey Map (US Department of Agriculture – Soil Conservation Service), shall be considered as delineating the **REGULATORY FLOODWAY**.

RESIDENCE. A *dwelling*.

RESIDENTIAL ZONE. An R1, R1A, R1B, R1U, R1Z, R2, R2U, R3, R3U, R3W or R4W **zone**.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to encompass a **road**, cross-walk, **alley**, railroad, electric transmission line, oil or gas pipeline, water line, sanitary and/or storm sewer, and other similar **uses**.

RIGHT-OF-WAY LINE. The property line that forms the boundary of a **right-of-way**.

RIVER ROAD SCENIC BYWAY. A stretch of roadway from I-65 southwest to Ross Hills Park, including SR 43 (North River Road) south of I-65, US 231 from Harrison Bridge to South River Road, South River Road, Division Road west of South River Road to CR 875 W and CR 875 W (Amend 38).

ROAD. A *street*.

ROOF SIGN. Any *sign* erected and constructed wholly on and over the roof of a *building*, supported by the roof structure, and extending vertically above the highest portion of the roof.

RURAL ESTATE ROAD. A *road* built as part of a *rural estate subdivision* providing access from an existing perimeter *street* to and/or through an RE zone, built to specific minimum standards found in the *Unified Subdivision Ordinance*. This *road* may be designated as either a private *road* to be maintained by a homeowners' association, or a *public street*, dedicated to the public and accepted for public maintenance

(Amend 27).

RURAL ESTATE SUBDIVISION. A unified rural residential *development* zoned RE, *rural estate zone*, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential *lots*.) A **RURAL ESTATE SUBDIVISION** shall be located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of its acreage is either:

- (1) wooded and untilled,
- (2) *non-tillable*, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A **RURAL ESTATE SUBDIVISION** has a maximum *density* of no more than 1 *dwelling unit* per 2 acres, and a minimum residential *lot area* of 1 acre, exclusive of any outlot containing drainage *easements* and/or *rural estate roads*, and exclusive of any *public street right-of-way*. (Amend 27)

RURAL ESTATE ZONE. A *rural zone* containing part or all of a *rural estate subdivision*, located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of the acreage of the *rural estate subdivision* of which it is a part is either:

- (1) wooded and untilled,
- (2) *non-tillable*, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A **RURAL ESTATE ZONE** request includes no more than 12 residential *lots*, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned. (Amend 27)

RURAL HOME OCCUPATION. An *accessory use* to a *dwelling unit*, carried out for gain by one or more residents, and if desired, one non-resident, conducted as a customary and incidental *use* to the resident's *dwelling unit*, within the *use* requirements of 5-5-5 below, and as authorized in 5-5-6 below. Except as indicated in 5-5-5, this does not include the wholesale or retail sale of goods or materials on site. It is permitted on *lots* 2 acres or larger in area in any *rural zone*, other than RE, which authorizes the *dwelling unit* to which the **RURAL HOME OCCUPATION** is *accessory*. (Amend 27)

RURAL OUTDOOR SIGN. Any *sign* that is a freestanding device, fixture or placard that uses any color, form, graphic, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public and which is:

- (1) located only on A, AA, or AW zoned property;
- (2) unrelated to the property on which it is erected and maintained;
- (3) 6 sq.ft. or less;
- (4) placed outside the boundaries of the *urban area* as defined by this ordinance;
- (5) not located within sight of any *Federal-Aid Primary Highway*, any road on the *National Highway System*, any Interstate System, or any roadway designated an *Indiana Scenic Byway* (Amend 38). (See Appendix F-2.);
- (6) not located within sight of any *road* designated as requiring a special *setback* in Section 4-4-3(a); and
- (7) not in any public *right-of-way*. (Amend 29)

RURAL ZONE. An A, AA or AW or RE *zone*. (Amend 27)

SECONDARY ARTERIAL. A *road*, designated in the Thoroughfare Plan, intended to collect and distribute traffic in a manner similar to *primary arterials*, except that these *roads* service minor traffic-generating areas such as community/commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches and offices, and/or are designed to carry traffic from *collector streets* to the system of *primary arterials*.

SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OF SPECIFIED ANATOMICAL AREAS. As used in the definition of *adult service establishment*, includes any combination of two or more of the following activities:

- (1) the sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio

- representations which are characterized by an emphasis upon the depiction or description of ***specified sexual activities*** or ***specified anatomical areas***;
- (2) the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of ***specified sexual activities*** or ***specified anatomical areas*** for observation by patrons;
 - (3) the operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing ***specified sexual activities*** or ***specified anatomical areas***;
 - (4) live performance by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on ***specified sexual activities*** or ***specified anatomical areas***; and
 - (5) the operation of a ***massage*** establishment.

SETBACK. A space that lies between a ***primary use building***, or an ***accessory use***, or an ***open use***, or a ***parking area***, or the leading edge of a ***sign*** and the nearest ***lot line***, that is open and unobstructed except for required ***bufferyards***, or as otherwise authorized by this ordinance

SHARED HOUSING. Any ***dwelling unit*** which the owner allows to be occupied by unrelated persons living as a single ***housekeeping unit***, provided that the number of occupants does not exceed twice the number of ***bedrooms***, and that the total number of occupants does not exceed 4 regardless of the number of ***bedrooms***.

SHELTERED WORKSHOP AND REHABILITATION CENTER. An establishment primarily engaged in providing supervised production and vocational training tasks for adults with disabilities or special needs, along with life skills training and specialized therapies to address the habilitation/rehabilitation needs of children and adults with disabilities or special needs.

SHRUB. A woody deciduous or evergreen plant, smaller than a ***tree***, consisting of several small stems from the ground or small branches near the ground.

SIDE LOT LINE. A lot boundary line other than a ***front*** or ***rear lot line***.

SIDE SETBACK. An open space extending a *lot's* full length, measured as the shortest distance between the *side lot line* and the nearest exterior wall of the *lot's primary use building* and *accessory buildings*.

SIGN. Any device, fixture, placard, or *structure* that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGNAGE. A *sign* or a package of *signs* on a *sign-lot*.

SIGN AREA ASSURANCE. The least area of *signage* to which a *primary use* is entitled. It is equal to the *zonal base rate*, except for:

- (1) *primary use buildings* with more than 15000 sq.ft. of ground floor area in NBU and MR *zones*; and
- (2) *primary use buildings* with more than 20000 sq.ft. of ground floor area in all other *commercial* and *industrial zones*,

where **SIGN AREA ASSURANCE** is equal to 0.2% of ground floor area of the *primary use building*.

SIGN AREA CAP. The maximum sign area to which a *primary use* is entitled in situations where the calculated maximum sign area per *sign-lot* exceeds 6% of the ground floor area of the *primary use building*. In such situations, the maximum sign area is capped at 6% of the ground floor area of the *primary use building*, but in no case less than the *zonal base rate*.

SIGN-LOT. For purposes of determining *sign* requirements, a piece of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and *use*, and that can provide such *setbacks* and other open spaces as required by this ordinance. For tracts without *street frontage*, the **SIGN-LOT** includes the access easement that connects the tract to the public *right-of-way*. (Amend 20)

SINGLE-FAMILY DWELLING. A *building*, on a separate *lot*, containing one *dwelling unit*.

SITE PLAN. A drawing, showing accurately and with complete dimensioning, the boundaries of a site and location of all *buildings*, *structures*, *uses* and principal site development features proposed for a specific piece of land.

SOUND LEVEL METER. An electronic instrument that includes a microphone, output meter and amplifier, and measures sound pressure levels.

SPECIAL EXCEPTION. The authorization of a **use** that is designated as such by this ordinance as being permitted in the **zone** concerned if it meets special conditions, and upon application, is specifically authorized by the Area Board of Zoning Appeals.

SPECIFIED ANATOMICAL AREAS. Includes any of the following:

- (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

- (1) human genitals in a state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy;
- (3) fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
- (4) flagellation or torture in the context of a sexual relationship;
- (5) masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) erotic touching, fondling or other such contact with an animal by a human being; or
- (7) human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (1) through (6) above.

STANDARD PLANT UNIT. One of a number of alternative planting schemes used to landscape required **bufferyards**.

STATE AGENCY. All boards, commissions, departments, and institutions, including Purdue University and other state educational institutions of the State of Indiana created pursuant to legislative acts.

STOOP. An unroofed outdoor staircase and/or small platform whose sole purpose is to provide access to the entrance of a **building**.

STORY. That habitable portion of a **building** included between the upper surface of any floor (having a floor level not more than 4' below grade for more than 50% of its perimeter, or more than 8' at any point), and either the upper surface of the next floor above it, or if there is no floor above it, the ceiling or roof above it.

STREET. A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property,

including, but not limited to, avenues, boulevards, courts, drives, highways, lanes, **places**, **roads**, or other thoroughfares.

STREET FRONTAGE. The distance for which a **lot line** of a **lot** or **sign-lot** adjoins a **public street**, from one **lot line** intersecting that **street** to the furthest distant **lot line** intersecting the same **street**.

STRUCTURAL ALTERATION. Any change in either the supporting members of a **building**, such as bearing walls, columns, beams, or girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURAL PROJECTION. A part of a **primary use building** that may extend into a minimum **setback**.

STRUCTURE. Anything constructed or erected that requires location on or in the ground or attachments to something having a location on or in the ground.

SUBDIVISION. The division of a **parent tract** or other piece of land into at least two (2) smaller lots so that either now or in the future the subdivider can do any of the following with one or more of the subdivided **lots**:

- (1) transfer ownership
- (2) construct **buildings**
- (3) create new building sites for leasehold.

The actual location, shape and size of a **parent tract** to be divided is determined by the official record of the last transfer of its ownership transacted before the *Unified Subdivision Ordinance of Tippecanoe County* was enacted or by its last conditional transfer of ownership by recorded contract transacted before the *Unified Subdivision Ordinance of Tippecanoe County* was enacted. The following kinds of divisions are not **SUBDIVISIONS** and are exempt from the rules of the *Unified Subdivision Ordinance of Tippecanoe County*:

- (A) A division of land into two (2) or more tracts all of which are at least ten (10) acres in size;
- (B) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional **primary use building** sites are created by the division;
- (C) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- (D) A division of land for federal, state or local government to acquire street **right-of-way**; and
- (E) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional **primary use building** sites are

created by the division. The lots so created hereunder shall have only one **primary use building** site each. Additionally, any division of land complying fully with subsection 3.5 of the *Unified Subdivision Ordinance of Tippecanoe County* is not a **SUBDIVISION** and shall be called a **parcelization**. (Amend 27)

SUBDIVISION DEVELOPMENT SIGN. A **sign** subject to the requirements of 4-8-11 advertising the initial sale of vacant **lots** and/or spec buildings within a **subdivision**. (Amend 14)

SUBSTANTIALLY DAMAGED. A **nonconforming building, structure, use** or **mobile home** in the Flood Plain (FP) **zone** shall be considered to be **SUBSTANTIALLY DAMAGED** when damage of any origin is sustained by the **building, structure, use** or **mobile home**, whereby the cost of restoring it to its pre-damaged condition would equal or exceed 50% of the market value of the **building, structure, use** or **mobile home** before the damage occurred.

SUSPENDED SIGN. A **sign** that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SWIMMING POOL. (LAFAYETTE, WEST LAFAYETTE, BATTLE GROUND, CLARKS HILL, DAYTON) A temporary or permanent in-ground or above ground water-filled enclosure containing filtration and/or pumping equipment and/or having or providing for a water depth of at least 2' at any point, designed, used and maintained for swimming, diving, bathing or soaking. Hot tubs, spas, lap pools, whirlpool baths and tubs, and Jacuzzi-type baths and tubs shall also be considered **SWIMMING POOLS** if located outdoors. Temporary wading pools, consisting of only an enclosure capable of holding less than 2' of water throughout, shall not be considered **SWIMMING POOLS**, nor shall permanent decorative or reflecting pools not designed or used for swimming, diving, bathing or soaking.

SWIMMING POOL. (TIPPECANOE COUNTY) Either an in-ground water-filled enclosure, or an above ground water filled enclosure that can be defined as a **structure** (a deck makes an above ground **SWIMMING POOL** a **structure**), designed used and maintained for swimming, diving, bathing or soaking. Hot tubs, spas, lap pools, whirlpool baths and tubs, and Jacuzzi-type baths and tubs shall also be considered **SWIMMING POOLS** if located outdoors and otherwise meeting the requirements of the first sentence above. A temporary wading pool, consisting of only an enclosure capable of holding water, shall not be considered a **SWIMMING POOL**, nor shall permanent decorative or reflecting pool not designed or used for swimming, diving, bathing or soaking.

TEMPORARY SIGN. Any *building sign* that is used only temporarily, and is not permanently mounted. It shall be attached to a *building*.

TENT. A shelter designed to provide temporary quarters for travel, recreation or camping, with at least some portion of its walls and/or roof made of, or covered or protected by, canvas or any other fabric material.

THROUGH LOT. A *lot* fronting on two parallel or approximately parallel *streets*.

TRASH TRANSFER STATION. A facility at which solid waste is transferred from a vehicle or a container to another vehicle or container for transportation. This does not include either a *recycling collection facility*, or a *recycling processing facility*.

TREE. A large, woody plant having one or several self-supporting stems or trunks and numerous branches. It may be classified as deciduous or evergreen.

TRUCK STOP. Any retail facility that dispenses motor fuels to the general public primarily for use in trucks and other commercial vehicles. This facility may sell other merchandise (motor oil, tires, batteries, parts, etc.), perform maintenance, servicing and repair work, and provide overnight accommodations and food service primarily for the use of truck crews.

TRUCK TIRE MOBILE SALES AND SERVICE. A facility serving the trucking industry predominantly by delivering and installing on the Interstate or other roads and streets, new or retread tires to trucks that have suffered tire damage.

TWO-FAMILY DWELLING. A *building*, on a separate *lot*, containing two *dwelling units*.

UNDERSTORY. A landscape element which functions as a barrier or "wall", used to block or screen the view into or out of a site.

UNIVERSITY-PROXIMATE RESIDENCE. Any newly constructed or converted *dwelling unit* within the corporate limits of the City of West Lafayette, lying south of Stadium Avenue extended to the Wabash River, or north of Stadium Avenue to the centerline of Meridian Street between the centerlines of Grant Street and Northwestern Avenue, for which an *improvement location permit* has been obtained subsequent to the adoption of this definition.

URBAN AREA. Land that falls within:

- (1) the 2000 urbanized area designated by the United States Bureau of Census (See Appendix F-1); or
- (2) an incorporated city or town. (Amend 29)

URBANIZED SEWERED AREA. Older developed parts of the cities and incorporated towns designated by map in Appendix A.

USE. The employment or occupation of a **building**, **structure** or land for a person's service, benefit or enjoyment.

USE VARIANCE. The approval of a **primary use** other than that prescribed by the zoning ordinance for that **zone**, such as **density** capped in another **zone**, the granting of which is prohibited by law. (Amend 18)

VARIANCE. A specific approval granted by the Area Board of Zoning Appeals (**ABZA**) or its Lafayette Division (**ABZA-LD**) in the manner prescribed by this ordinance, to deviate from the development standards (such as height, bulk, area) that the ordinance otherwise prescribes.

VEGETATIVE COVER: Pervious surface supporting plant materials.

VISION SETBACK. A triangular open space at the intersection of certain **streets**, certain **alleys** and **streets**, and certain driveways and **streets**, within which nothing can be erected, parked, placed, planted or allowed to grow in such a way as to materially impede drivers' vision between 2.5' and 8' above grade, row crops excluded.

WALL SIGN. Any **sign** attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any **building** or **structure**, which is supported by such wall or **building**, and which displays only one **sign** surface.

WINDOW SIGN. Any **sign**, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

ZERO-LOT-LINE (ZLL) DWELLING. A **building**, on a separate **lot**, containing one **dwelling unit** built so that one or more of the **building's** sides rest directly on a **lot line**.

ZONAL BASE RATE. The area of **signage** which is multiplied by various factors to determine the maximum sign area per **sign-lot**. The **ZONAL BASE RATE** is:

(Am 27)

Parking Groups	Special Conditions	SIC Group	PERMITTED PRIMARY USES	Residential Zones											Commercial Zones								Ind.Zns. ¹			Rural Zones					
				R1	R1A	R1B	R1U	R1Z	R2	R2U	R3	R3U	R3W	R4W	NB	NBU	OR	MR	GB	HB	CB	CBW	I1	I2	I3	A	AA	AW	RE	FP	
8 / c		808	Home health care services ⁴²																												
8 / c		809	Miscellaneous health and allied services, not elsewhere classified																												
8 / c		81	Legal services ⁴²																												
44 / e		82	Educational services: see 821 -- 829 below																												
		821	Elementary and secondary schools	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
8 / c		822	Colleges, universities, professional schools and junior colleges ⁴³																												
45 / c		823	Libraries																												
8 / c		824	Vocational schools ^{44,45}	S	S	S		S	S		S	S	S	S																	
8 / c		829	Schools and educational services, not elsewhere classified ⁴⁴																												
		83	Social services: see 832 -- 839 below																												
8 / c		832	Individual and family social services																												
		except:																													
46 / c		8322	Community, neighborhood, senior citizen and youth centers																												
		(indoor only) ⁵³ (Amend 9)																													
46 / c		8322	Community, neighborhood, senior citizen and youth centers (indoor and outdoor, or outdoor only) ⁵³ (Amend 9)	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
		833	Job training and vocational rehabilitation services (Amend 40)																												
8 / c		except:																													
		8331	"Sheltered workshop and rehabilitation centers"																												
		835	Child care services: see 835s below																												
47		835	"Child care homes" ⁴⁶	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
48 / c		835	"Child care centers"																												

PkgGps	SpecConds	SIC	PERMITTED PRIMARY USES	R1	R1A	R1B	R1U	R1Z	R2	R2U	R3	R3U	R3W	R4W	NB	NBU	OR	MR	GB	HB	CB	CBW	I1	I2	I3	A	AA	AW	RE	FP	
See 4-6-3 / 4-6-7 below for Parking Group requirements for automobiles / bicycles. SIC Group refers to economic activities listed in 1987 Standard Industrial Classification Manual. Primary uses in quotes are defined in 1-10 above. Footnotes follow table. See 3-1-6 and 3-1-7 for more information on how to use this table.																															

(Am 27)

Parking Groups	Special Conditions	SIC Group	PERMITTED PRIMARY USES	Residential Zones												Commercial Zones							Ind.Zns. ⁷			Rural Zones							
				R1	R1A	R1B	R1U	R1Z	R2	R2U	R3	R3U	R3W	R4W	NB	NBU	OR	MR	GB	HB	CB	CBW	I1	I2	I3	A	AA	AW	RE	FP			
49 / c		836	Residential care (Amend 40) except:									S	S	S	S		P	P					P						S	S			
1		839	“Group homes”																														
8 / c		839	Social services, not elsewhere classified	S	S	S	S	S	S	S	S	S	S	S		P	P						P								S		
18 / c		84	Museums, art galleries and botanical and zoological gardens: see 841 -- 842 below																														
50 / c	2-26 if FP	841	Museums and art galleries (Amend 9)	S	S	S	S	S	P	P	P	P	P	P		P	P	P					P							P	P		
51 / c	2-26 if FP	842	Arboreta and botanical or zoological gardens ⁴⁷	S	S	S	S	S	S	S	S	S	S	S		P	P	P					P							P	P	S	
8 / c		86	“Public parks”	P	P	P	P	P	P	P	P	P	P	P		P	P	P					P							P	P	P	
		86	Membership organizations ⁴⁸																														
52 / c		866	Religious organizations	P	P	P	P	P	P	P	P	P	P	P		P	P	P					P							P	P	P	
8 / c		87	Engineering, accounting, research, management and related services																														
4 / c		873	Agricultural research, commercial																														
55 / c		873	Research, development and testing services																														
(Amend 7)		873	Research, development and testing services (other than Agricultural research, commercial) (Amend 7)																														
53 / c		8744	Adult correctional facilities and jails; privately operated																														
8 / c		8744	Adult correctional facilities and jails; privately operated																														
8 / c		89	Services, not elsewhere classified																														
8 / c		89	Services, not elsewhere classified																														
		----	Offices not elsewhere classified (Amend 8)																														

3-2-11 PUBLIC ADMINISTRATION⁴⁹

8 / c		91	Executive, legislative and general government, except finance ⁵⁰	P	P	P	P	P	P	P	P	P	P	P	P	P	P														
8 / c		92	Justice, public order and safety except:																												
8 / c		9221	Police protection	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

PkngGps	SpecConds	SIC	PERMITTED PRIMARY USES	R1	R1A	R1B	R1U	R1Z	R2	R2U	R3	R3U	R3W	R4W	NB	NBU	OR	MR	GB	HB	CB	CBW	I1	I2	I3	A	AA	AW	RE	FP	
<p>See 4-6-3 / 4-6-7 below for Parking Group requirements for automobiles / bicycles. SIC Group refers to economic activities listed in 1987 Standard Industrial Classification Manual. Primary uses in quotes are defined in 1-10 above. Footnotes follow table. See 3-1-6 and 3-1-7 for more information on how to use this table.</p>																															

required in the following tables shall pertain to the *primary* or *secondary arterial* not the frontage *road*.

4-8-3 SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS:

- (a) **Signs** are allowed on private property, only in accordance with the table in 4-8-4, and within the further requirements of 4-8-3-b below. In 4-8-4, where the letter "A" appears at the intersection of a row containing the name of a **sign** type and the column containing the name of a **zone**, that **sign** type is allowed in that **zone** without a permit. Where the letter "P" appears for a **sign** type in a row, that **sign** type is allowed in the **zone** represented by the intersecting column, but only with prior approval of a **sign** permit; special conditions may apply in some cases. Where the letter "N" appears for a **sign** type in a row, that **sign** type is not allowed in the **zone** represented by the intersecting column under any circumstances.
- (b) **Signs** designated in 4-8-4 by an "A" or a "P" are then allowed, but only if:
 - (1) the sum of the area of all **building** and **freestanding signs** on the **sign-lot** conforms to the maximum permitted **sign** area as determined for the **zone** in which the **lot** is located, as specified in the table in 4-8-5;
 - (2) the number, area, size and **setback** of **signs** on the **sign-lot** conform to the requirements of the table in 4-8-6 which establishes permitted **sign** dimensions for **freestanding signs**. **Setback** is always measured from the edge of the **right-of-way** to the leading edge of the **sign**;
 - (3) the maximum permitted **building sign** area for **primary uses** within **integrated centers** is 5 sq.ft of **signage** per 1,000 sq.ft of floor area, with a minimum **building sign** area of 40 sq.ft. up to a maximum of 400 sq.ft.; (Amend 20)
 - (4) the sum of the area of all **integrated center signs** conforms to the requirements of the tables in 4-8-7-b. **Setback** is always measured from the edge of the **right-of-way** to the leading edge of the **sign**; and (Amend 20)
 - (5) characteristics of the **signs** conform with the requirements of the table in 4-8-8. (Amend 20)
- (c) **Outdoor advertising signs** are the subject of 4-8-10 below. They are subject to the requirements of 4-8-4 below, but not to those in 4-8-5 through 4-8-8.
- (d) **Rural outdoor signs** are the subject of 4-8-12 below. Other than the provisions of 4-8-2(a) and (b), 4-8-4, 4-8-12, and 4-8-15 the provisions of 4-8-2 through 4-8-18 do not apply to **rural outdoor signs** (Amend 29).
- (e) **Gateway signs** are subject to the requirements of 4-8-4 and 4-8-15 below and 4-4-7 above, but not to 4-8-5 or 4-8-6. No more than two signs are permitted at any one entrance, and shall be located within either a sign or landscape easement, or a platted outlot. (Amend 40)

4-8-4 PERMITTED SIGNS BY TYPE AND ZONE:

Any **primary use** with a street-level entrance may display a **building sign** up to 1 sq.ft. in area indicating its address, and if a **residence**, the occupant's name. Permission for additional **signage** is based on the following :

SIGN TYPE	ALL R1s R2s R3s R4W RE	INSTL: RSDTL/ RURAL	(Amend 20)								I1 I2 I3	(Amend 7) A, AA AW, FP
			NB	NBU	OR	MR	GB	HB	CB	CBW		
FREESTANDING:												
GATEWAY	P	P	P	N	P	P	P	P	N	N	P	P
HOME OCCUPN ²	A	N	N	A	N	A	N	N	A	A	N	A
INCIDENTAL	A	A	A	A	A	A	A	A	A	A	A	A
INTEGRATED CTR ³ (Am 20)	N	N	P	N	P	P	P	P	N	N	P	N
RURAL OUTDOOR ^(Am35)	N	N	N	N	N	N	N	N	N	N	N	P ¹¹
ALL OTHERS ¹⁰ (Am 20)	N	P	P	P	P	P	P	P	P	N	P	P
BUILDING:												
BLDG MARKER ⁴	A	A	A	A	A	A	A	A	A	A	A	A
CANOPY ¹	N	N	P	P	P	P	P	P	P	P ⁷	P	N
HOME OCCUPN ²	A	A	N	A	N	A	N	N	A	A	N	A
INCIDENTAL	A	A	A	A	A	A	A	A	A	A	A	A
INTEGRATED CTR ³	N	N	P	P	P	P	P	P	N	N	P	N
MARQUEE ^{1,5}	N	N	N	N	N	N	P	P	P	N	P	N
PROJECTING ^{1,5}	N	N	P	P	P	N	P	P	P	P ⁸	P	N
ROOF	N	N	N	N	N	N	N	N	P	N	N	N
INTEGRAL ROOF	N	N	N	N	N	N	P	P	P	N	N	N
SUSPENDED ^{1,5}	N	A	P	N	N	N	P	N	A	P ⁸	N	N
TEMPORARY ⁶	N	N	P	P	N	N	P	P	P	P	N	N
WALL	N	A	P	P	P	P	P	P	P	P	P	N

A = ALLOWED WITHOUT SIGN PERMIT; P = ALLOWED WITH SIGN PERMIT; N = NOT ALLOWED

"INSTL: RSDTL/RURAL" = institutional uses (SIC 801-972) permitted under 3-2 above in **residential** and **rural zones**.

4-8-7 SIGNAGE FOR INTEGRATED CENTERS:

- (a) The maximum permitted **building sign** area for **primary uses** within **integrated centers** is based on 5 sq.ft of **signage** per 1,000 sq.ft. of floor area, with a minimum **building sign** area of 40 square feet up to a maximum of 400 square feet. (Amend 20)

4-8-7-b MAXIMUM TOTAL SIGN AREA FOR INTEGRATED CENTER SIGNS: (Amend 20)

The maximum total sign area for **integrated center signs** is calculated using the following table. It is determined for each public **street frontage** by multiplying the appropriate **zonal base rate** by the **integrated center ground floor area** factor and the **road** speed limit factor. An **integrated center's** maximum total **sign** area is then the calculated sum of the **sign** areas for all public **street frontages**. The total **sign** area may be applied at any location at the **integrated center**. **Freestanding integrated center signs** shall observe the maximum height and minimum **setback** standards in 4-8-6 above.

ZONAL BASE RATE sq.ft.	X	INTEGRATED CENTER		ROAD SPEED LIMIT ¹ FACTOR (Amend 20)
		GROUND FLOOR AREA	X	
NBU MR = 30		up to 20,000 sq.ft. = 1.0		up to 30 = 1.0
NB OR GB HB I1 I2 I3 = 40		20,001 – 100,000 sq.ft. = 1.5		31 -- 44mph = 1.5
		100,001 – 200,000 sq.ft. = 2.0		45 -- 55mph = 2.5
		200,000+ sq.ft. = 3.0		

Round the product of all factors up to the next whole number.

FOOTNOTES TO 4-8-7-b: (Amend 20)

- ¹ This is the legal speed limit along the full length of an **integrated center's street frontage**. Where a **sign-lot** fronts on a public or private frontage **road**, the speed limit of the thoroughfare pertains, not that of the frontage **road**. Where an **integrated center** has no actual **street frontage**, this is the legal speed limit of the adjoining **road** from which that center derives vehicular access, at that access point.
- In an **HB zone**, where an **integrated center** is located within 400' of a **primary arterial**, fronts on and derives its only access from a **local road** which in turn derives its access from a **primary arterial**, then the speed limit of the **primary arterial** -- where the local road intersects -- pertains.
- Where the legal speed limit changes along the length of an **integrated center's street frontage** (or between access points for **integrated centers** having no **street frontage**), **road** speed limit is the greater of the speed limits along the length of the **frontage** (or at the number of access points if there is no **frontage**). **Frontage** along I-65 is not counted in this calculation.
- If the legal speed limit is increased after **signage** has been installed, maximum **sign** area may be increased accordingly. If the speed limit is decreased, no decrease in **signage** is required.

4-8-8 PERMITTED SIGN CHARACTERISTICS BY ZONE:

Authorization to use animation, changeable copy, and various forms of illumination on **signs** permitted in 4-8-4 through 4-8-7 above is based on the following table. Except for externally illuminated **gateway signs** at residential developments, which may be illuminated at all times, **signs** shall only be animated and/or illuminated during hours when the **primary use** of the **sign-lot** is open to the public.

SIGN CHARACTERISTIC	ALL RESIDENTIAL ZONES, RE ^(Am27)	INSTL: RSDNTL/ RURAL	NB	NBU	OR	MR	GB	CB	I1 I2 I3	A, AA AW, FP
ANIMATED SIGN	N	N	N	N	N	N	N	P	N	N
CHANGEABLE COPY SIGN	N	P (Amend 20)	(-----Amendment 23B-----) N ³	N ³	N ³	N ³	P	P	N	P (Amend 40)
ILLUMINATION, INTERNAL	N	P	P	P	P	N	P	P	P	N
ILLUMINATION, EXTERNAL ¹ (Amend 20)	(Amend 20) P ²	P	P	P	P	P	P	P	P	N
ILLUMINATION, EXPOSED BULBS OR NEON	N	N	P	P	P	P	P	P	N	N
P = ALLOWED ONLY WITH SIGN PERMIT; N = NOT ALLOWED										

"INSTL: RSDNTL/RURAL" = institutional uses (SIC 801-972) permitted under 3-2 above in **residential** and **rural zones**.

FOOTNOTES TO 4-8-8: (Footnote 1 deleted, and Footnotes 2 and 3 renumber 1 and 2; Amend 20

- 1 No direct light from an externally illuminated **sign** shall be cast onto any adjacent **lot** that is zoned or used for residential purposes
- 2 **Gateway signs** only.
- 3 Not permitted in these **zones**, except at institutional **uses** (SIC 801 – 972), where a sign permit would be required (Amend 23B).

4-8-13 (Amends 14, 29) **PERMITS REQUIRED:**

- (a) If one or more **signs** requiring a permit under 4-8-4 above is to be placed, constructed, erected, or modified on a **sign-lot**, the owner of the **lot** shall first secure a **sign** permit in accordance with 6-2-1 below.
- (b) A **temporary sign** on private property is allowed only upon the issuance of a **temporary sign** permit, subject to the following requirements: (Amend 40)
 - (1) A **temporary sign** permit allows the **use** of a **temporary sign** for a specified 30-day period.
 - (2) No more than 4 **temporary sign** permits shall be issued to the same business license holder on the same **sign-lot** in any calendar year (Amend 26).
 - (3) A **temporary sign** is allowed only in a **zone** with a letter "P" for **TEMPORARY SIGNS** in 4-8-4 above, subject to the requirements noted in that table.

4-8-14 (Amends 14, 29) **DESIGN, CONSTRUCTION, AND MAINTENANCE:**

All **signs** shall be designed, constructed, and maintained in accordance with the following standards:

- (a) All **signs** shall comply with applicable provisions of the adopted building and electrical codes of the participating jurisdictions at all times.
- (b) Except for **banners** and **temporary signs** conforming in all respects with the requirements of this ordinance, all **signs** shall be constructed of permanent materials and shall be permanently attached to the ground, a **building**, or another **structure** by direct attachment to a rigid wall, frame, or **structure**.

4-8-15 (Amends 14, 29) **SIGNS IN THE PUBLIC RIGHT-OF-WAY:**

No **signs** shall be allowed in the public **right-of-way**, except for the following:

- (a) permanent **signs**, including:
 - (1) public **signs** erected or authorized by a governmental body;
 - (2) bus stop **signs** erected by the public transit company;
 - (3) informational **signs** of a public utility regarding its poles, lines, pipes, or facilities; and
 - (4) **marquee**, **projecting**, and **suspended signs** projecting over a public **right-of-way** in conformity with the conditions of 4-8-4; and
- (b) emergency warning **signs** erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public **right-of-way**.

As per *Indiana Code 9-21-4-6(e)*, any **sign** installed or placed on public property, except in conformance with the requirements of this section, will be forfeited to the public and subject to confiscation. In addition to other remedies in this ordinance, the participating jurisdiction has the right to recover from the owner or person placing the **sign** the full costs of its removal and disposal.

4-8-16 (Amends 14, 29) **SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE:**

The following **signs** are exempt from regulation under this ordinance:

- (a) any public notice or warning required by a valid and applicable federal, state or local law, regulation, or ordinance;
- (b) any **sign** inside a **building**;
- (c) strings of lights with no **commercial message**; and
- (d) traffic control **signs** on private property, such as **STOP**, **YIELD**, and similar **signs**, the face of which meet the standards of the *Indiana Manual of Uniform Traffic Control Devices*, and which contain no **commercial message** of any sort.

4-8-17 (Amends 14, 29) **SIGNS PROHIBITED UNDER THIS ORDINANCE:**

All **signs** not expressly permitted under this ordinance nor exempted under 4-8-16 (Amends 5, 14, 20) above, are prohibited. Such **signs** include, but are not limited to:

- (a) **signs** on utility poles not permitted under 4-8-16 (Amends 5, 14, 20) above; and
- (b) **signs** prohibited by state law or regulation.

4-8-18 (Amends 14, 29) **NONCONFORMING SIGNAGE:**

Nonconforming signage is a **sign** or a package of **signs** on a **sign-lot** that does not meet the requirements of 4-8-4 through 4-8-8 above, and which was otherwise lawfully installed on a given site at the time the applicable portions of 4-8-4 through 4-8-8 became effective. **Nonconforming signage** is subject to the constraints of 5-1-7 below.

4-8-19 (Amends 14, 29) **VIOLATIONS:**

- (a) The following are violations of this ordinance and are subject to the enforcement remedies and penalties provided in 6-3-1 below and by state law:
 - (1) to install, create, erect, or maintain any **sign** in a way that deviates from any plan or permit governing that **sign** or the **sign-lot** on which the **sign** is located;
 - (2) to install, create, erect, or maintain any **sign** requiring a permit without that permit; or
 - (3) to fail to remove any **sign** that is installed, created, erected, or maintained in violation of this ordinance, or for which a temporary **sign** permit has lapsed.
- (b) Each **sign** installed, created, erected, or maintained in violation of this ordinance constitutes a separate violation when applying the penalty portions of this ordinance. Each day of a continued violation constitutes a separate violation when applying the penalty portions of this ordinance.

the petitioner or the petitioner's representative is not present at the hearing, the **APC** shall dismiss the request.

- (e) **MHP/MHC-lots** may be vacated using the means described in *Indiana Code 36-7-3* or its successors, which describes the process for vacating **lots** in a **subdivision**.

5-4-3 PUBLIC NOTICE REQUIREMENTS:

- (a) A petitioner shall file 2 "Notices of Public Hearing on **Mobile Home Park / Manufactured Home Community and Recreational Vehicle Park**" and 2 "Notices of Public Hearing Release Forms" as part of a complete application for **MHP/MHC** or **RVP/C** plan approval. The Release Forms authorize **APC** staff to give the Notices of Public Hearing to 2 local newspapers of general circulation for publication at least 10 days before the date of the public hearing. Publication is at the petitioner's expense. Each newspaper will then bill the petitioner. Upon payment of the bills, the petitioner will receive each newspaper's Proof of Publication. The petitioner shall present both Proofs to the **APC** prior to the public hearing, or the request for plan approval cannot be heard.
- (b) At least 10 days before the date of the public hearing, the petitioner shall post one or more signs on (or in some cases near) the property for which **MHP/MHC** or **RVP/C** approval is being sought, advising the public of the impending hearing. These signs shall be purchased at the **APC's** offices. **APC** staff will determine the number and location of signs to be posted. On the day of the public hearing, the petitioner shall execute a "Sign Posting Affidavit" attesting that the required signage has been in place for at least the previous 10 days. The petitioner shall present the notarized affidavit to the **APC** prior to the public hearing, or the request for plan approval cannot be heard.
- (c) At least 10 days before the date of the public hearing, the petitioner shall send a "Notice to Interested Parties" to the owners of all property located adjacent to, and directly across the **street, alley**, or railroad **right-of-way** from the property for which **MHP/MHC** or **RVP/C** plan approval is being sought. These shall be sent by Certified Mail. The petitioner shall execute an "Affidavit of Notice to Interested Parties" attesting that all interested parties have been notified by Certified Mail. The petitioner shall present the notarized affidavit and all post office receipts from the certified mailing to the **APC** prior to the public hearing, or the request for plan approval cannot be heard.

5-4-4 FILING REQUIREMENTS:

- (a) Before an application for **MHP/MHC** or **RVP/C** plan approval can be submitted, the petitioner shall arrange to meet with **APC** staff to

review filing and design requirements. The petitioner shall bring to this meeting a proposed **MHP/MHC** or **RVP/C** plan drawn in sufficient detail so that staff can determine if design requirements are being met.

- (b) For a request for **MHP/MHC** or **RVP/C** plan approval to be considered complete, the following items shall be presented to **APC** staff no less than 30 calendar days before the regular meeting at which the petitioner intends to have the request heard:
- (1) a signed and notarized "Application for Approval of **Mobile Home Park / Manufactured Home Community** or **Recreational Vehicle Park and Campground**" with metes and bounds legal description of the property for which approval is being sought; and if FP-zoned land is present, a metes and bounds legal description of that portion of the property situated at or above the **regulatory flood elevation** determined by 2-25-17-a or 2-25-17-b above, certified by a Registered Land Surveyor or Registered Professional Engineer.
 - (2) a signed and notarized "Affidavit of Consent" from the owner(s) of the property if the petitioner is not the owner;
 - (3) a non-refundable processing fee in the amount established by the **APC** for **MHP/MHC** or **RVP/C** plan approval;
 - (4) a list of names and addresses of all interested persons (all owners of property located adjacent to, and directly across the **street, alley** or railroad **right-of-way** from the property named in the application), including the Auditor's Key Number for each interested person's property;
 - (5) 2 "Notices of Public Hearing on **Mobile Home Park / Manufactured Home Community** and **Recreational Vehicle Park and Campground**" each with a metes and bounds description of the property for which approval is being sought, and 2 signed "Notice of Public Hearing Release Forms";
 - (6) a letter from the Indiana State Department of Health indicating review and approval of the proposed plans in compliance with **IC 16-41-27** and **Rules 410 IAC 6-6** and **327 IAC 8-8-1** for **MHP/MHCs**, or **Rule 410 IAC 6-7** for **RVP/Cs**, or their successors;
 - (7) for any **RVP/C campsites** proposed to be located within a **floodway fringe**, certification from a Registered Land Surveyor or Registered Professional Engineer that none of the **campsites** would be located within the **floodway** established for that location by the Indiana Department of Natural Resources; (Amend 38)
 - (8) letters from the Tippecanoe County Highway Department, Health Department and Drainage Board indicating review and approval of the proposed plans, plus evidence that providers have

- (a) **Rural home occupations** may include, but are not necessarily limited to the following:
 - (1) All **home occupations** permitted under 5-5-3 above;
 - (2) Agricultural equipment repair;
 - (3) Automobile, truck or motorcycle service, repair, customizing or restoration;
 - (4) Farm produce sales;
 - (5) Office facility of a physician, dentist, optometrist, podiatrist, chiropractor, naturopathic doctor, hypnotherapist or acupuncturist;
 - (6) Office facility of 1 veterinarian;
 - (7) Barber shop or beauty parlor;
 - (8) Small engine repair;
 - (9) Welding shop;
 - (10) Individually ordered and/or customized items only (but no stock in trade) (Amend 5);
 - (11) Veterinary clinic or hospital (Amend 5); and
 - (12) Office facility of a building contractor (Amend 10). (Outside storage of equipment and/or materials associated with SIC 15 and 17 must comply with the buffering requirement of 4-9-9 above.) (Amend 40)
- (b) A **rural home occupation** that is not listed in 5-5-6-a above, may be permitted by an **Administrative Officer** upon a finding that its characteristics are:
 - (1) consistent with the purpose and description of the **zone** as per Chapter 2 of this ordinance; and
 - (2) compatible with the permitted **primary uses** in the **zone** regarding hours of operation, traffic generation, outdoor lighting, and noise, vibration, dust, odor, glare and heat producing properties.
- (c) If an **Administrative Officer** determines that a **rural home occupation** no longer meets the requirements of 5-5-5 above, the **Administrative Officer** shall require such changes that are necessary to bring it back into compliance with those requirements.

5-5-7 PROHIBITED RURAL HOME OCCUPATIONS:

For reasons of incompatibility with permitted **uses**, and/or violations of neighborhood character, permitted **rural home occupations** will not include at least the following:

- (a) Antique shop;
- (b) Automotive salvage, **junk yard**, or scrap metal yard;
- (c) Gift shop;
- (d) Medical clinic or hospital;

- (e) Restaurant;
- (f) **Kennel**; and (Amend 5: omit original (g) Veterinary clinic or hospital)
- (g) Tourist and/or boarding home.

5-6 GARAGE SALES

5-6-1 INTENT:

It is the intent of this section to permit residents to conduct **garage sales** that are neither an on-going nuisance to neighbors, nor a threat to retailers who are restricted to **commercial zones**.

5-6-2 RESTRICTIONS:

- (a) Up to 2 **garage sales** may be conducted in any calendar year on a premises located in any **residential zone**, or at any **residence** located in any nonresidential **zone**.
- (b) A **garage sale** shall not be conducted for more than 3 consecutive days, and only during daylight hours.
- (c) (**LAFAYETTE, WEST LAFAYETTE, DAYTON, BATTLE GROUND, CLARKS HILL**) Before a **garage sale** can be conducted, the owner or occupier of the premises shall obtain a permit from the appropriate **Administrative Officer**. The address, dates and times of the **garage sale** shall be specified on the permit. The permit shall be prominently displayed during the entire **garage sale**.
- (d) All items offered at a **garage sale** shall be the personal property of the owner or occupier of the premises or the group he/she represents, and if new, shall not have been purchased specifically for resale at the **garage sale**.
- (e) All outdoor evidence indicating that a **garage sale** has been conducted shall be removed within 3 hours of the closing time indicated on the permit. That includes sale items, display surfaces and posted notices.

5-7 CONSTRUCTION ON LAND FILL PLACED WITHIN THE **FLOODWAY FRINGE**

If a **residential** or nonresidential **building** is to be constructed on permanent land fill that raises the elevation of land out of the **floodway fringe**, the fill shall be placed in layers no greater than 1' deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method. The result of this procedure shall be certified by a Registered Land Surveyor or Professional Engineer at the time the land is certified as being out of the **floodway fringe**.

(d) **AGRICULTURAL BUILDING OR STRUCTURE:**

A **site plan** involving an agricultural **building** or **structure** shall meet the requirements of 6-2-5-a above, where applicable.

(e) **SIGNS:**

Placement, construction, erection or modification of any type of **sign** identified with a letter "P" in the table in 4-8-4 above requires its own **improvement location permit**, called a sign permit. This sign permit is applied for separately from any other **improvement location permit** for work at that site. In addition to the requirements of 6-2-5-a and 6-2-5-c above, a **site plan** involving one or more **signs** shall, where applicable, include:

- (1) the location, size and height (computed as per 4-8-2 above) of all existing **signs** on site;
- (2) the location, size, height (computed as per 4-8-2 above), design and structure of the proposed **sign** or **signs**; and
- (3) the legal speed limit along the full length of the **sign-lot's street frontage**, or if there is no **street frontage**, of the adjoining **road** from which the **primary use** derives vehicular access, as per 4-8-5 Footnote 1.

Before placing a **temporary sign**, a temporary sign permit, as per 4-8-13-b above, is required. (Amend 40)

(f) **OFF-SITE PARKING:**

In addition to the requirements of 6-2-5-a above, a **site plan** involving off-site parking shall, where applicable, include:

- (1) the location, number and dimensions of all **parking spaces**, curb cuts, driveways and **maneuvering aisles**;
- (2) specification of surface material; and
- (3) if the off-site parking is needed to meet parking requirements, a signed and recorded commitment from the owner of the site committing its permanent **use** as required parking.

(g) **PRIMARY OR ACCESSORY COMMUNICATIONS TOWERS:**

In addition to the requirements of 6-2-5-a and 6-2-5-c above, a **site plan** involving a **primary** or **accessory communications tower** shall, where applicable, include:

- (1) the nature, location, size and height of the tower; and
- (2) any guy wire anchors.

(h) **OTHERS:**

Requirements for *site plans* that do not fall into any of the above categories will be determined by the **Administrative Officer**.

6-2-6 FILING FEE:

- (a) The filing fee for an *improvement location permit* is \$10. It is not refundable. The filing fee for an *improvement location permit* for demolition is \$10. (Amend 2)
- (b) Member jurisdictions may each, by separate ordinance, establish a schedule of other permit, inspection and similar fees to be collected at the beginning of, during or at the completion of the permitting process.
- (c) If work has been started on a type of project listed in 6-2-1-a above without benefit of an *improvement location permit*, the filing fee for that *improvement location permit* is \$20. (Amend 2)

6-2-7 ADDITIONAL REQUIREMENTS FOR LAND USE ACTIVITY IN SIC GROUPS 20-39 IN I1, I2 AND I3 ZONES:

As per 4-10-2 above, an *improvement location permit* application for land *use* activity in SIC Groups 20-39 in an I1, I2 or I3 *zone* shall be accompanied by a written statement of compliance certified by a Registered Professional Engineer. The statement shall indicate how the proposed activity will meet the Industrial Performance Standards detailed in 4-10-3 through 4-10-7 above, regarding:

- (a) air pollution;
- (b) glare and heat;
- (c) vibration;
- (d) noise; and
- (e) fire and explosive hazards.

6-2-8 ADDITIONAL REQUIREMENTS FOR COMMUNICATIONS TOWERS:

- (a) An *improvement location permit* application for a *primary* or *accessory communications tower* shall include statements from the Federal Aviation Administration, Federal Communications Commission, and Indiana Department of Transportation - Division of Aeronautics that the proposed construction or alteration complies with applicable regulations administered by those agencies, or that the proposed construction or alteration is exempt from those regulations.
- (b) If any applicable agency fails to provide a requested statement after the petitioner makes a timely, good-faith effort to obtain it, the application will be considered complete.

APPENDIX F-2: ROADS AND HIGHWAYS ON THE INTERSTATE, NATIONAL AND FEDERAL-AID PRIMARY HIGHWAY SYSTEMS:

SR 25 N: UAB to the Carroll County Line

SR 25 S: UAB to SR 28

SR 26 E: UAB to the Clinton County Line

SR 28: Clinton County Line to the Fountain County Line

SR 43: I-65 to the White County Line

US 52 W: UAB to the Benton County Line

US 231 S: UAB to the Montgomery County Line

I-65: Clinton County Line to the White County Line

UAB = Urbanized Area Boundary as designated by the United States Bureau of
Census(See Appendix F-1)

INDIANA SCENIC BYWAYS

River Road Scenic Byway: A stretch of roadway from I-65 southwest to Ross Hills Park, including SR 43 (North River Road) south of I-65, US 231 from Harrison Bridge to South River Road, South River Road, Division Road west of South River Road to CR 875 W and CR 875 W. (Amend 38)